

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

JOSHUA M. SETTLE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:18-cv-01177
)	Honorable Judge Copenhaver
NATHAN SCOTT STEPP,)	
Individually as a member of the)	
West Virginia State Police,)	
)	
Defendant.)	
)	

MOTION FOR NEW TRIAL DATE AND TO EXTEND DISCOVERY DEADLINES

COMES NOW, Plaintiff Joshua M. Settle (“Plaintiff”) and pursuant to LR Civ. P. 7.1, files this Motion for a New Trial Date and to Extend Discovery Deadlines. In support thereof, Plaintiff respectfully states as follows:

1. The above-captioned civil action was filed on July 23, 2018 [ECF #1].
2. On September 20, 2018, a Scheduling Order was entered by the Court [ECF #10].
3. Under the Scheduling Order, discovery closes on June 3, 2019.
4. Plaintiff has worked diligently to complete fact and expert discovery within the timeframes set forth in the Scheduling Order.
5. However, despite Plaintiff’s best efforts, discovery in this case has been stalled as a result of Defendant’s persistent delaying and stonewalling of legitimate discovery.
6. On March 19, 2019, Defendant filed a Motion for Protective Order to prevent the West Virginia State Police, Professional Standards Section (the “Professional Standards Section”) from producing various categories of documents pursuant to Plaintiff’s duly issued subpoena [ECF #30 and #31]. These documents are vital to Plaintiff’s case against Defendant.

Plaintiff will not depose Defendant until the requested documents from the Professional Standards Section are produced (or Defendant's Motion for Protective Order granted). These documents from the Professional Standards Section are likewise important to the opinions set forth in Plaintiff's expert disclosure; opinions that will need to be supplement/amended based on the information in said documents. Defendant's Motion for Protective Order is still pending.

7. On March 22, 2019, Plaintiff was forced to file a Motion to Compel Discovery against Defendant [ECF #32]. After numerous months of delay, Defendant eventually produced some of the requested documents after Plaintiff's Motion to Compel was filed. Plaintiff's Motion is still pending.

8. On May 6, 2019, Defendant filed yet another Motion for Protective Order to prevent the West Virginia State Police ("WVSP") from producing various categories of documents pursuant to Plaintiff's duly issued subpoena [ECF #51 and #53]. These documents are vital to Plaintiff's case against Defendant. Plaintiff will not depose Defendant until the requested documents from the WVSP are produced (or Defendant's Motion for Protective Order granted). These documents from the WVSP are likewise important to the opinions set forth in Plaintiff's expert disclosure; opinions that will need to be supplement/amended based on the information in said documents. Defendant's Motion for Protective Order is still pending.

9. In addition, Plaintiff's efforts to schedule important fact witness depositions have also been met with more delay from Defendant.

10. After stalling discovery for months, Defendant declined to consent to the present Motion.

11. Defendant should not be allowed to delay proceedings so the clock on discovery can run out to the detriment of Plaintiff.

12. This is Plaintiff's first request for a new trial date and to extend discovery deadlines.

13. Accordingly, Plaintiff respectfully requests that the Court set a new trial date and extend all remaining deadlines for six (6) months.

**JOSHUA M. SETTLE
By Counsel**

/s/ Russell A. Williams

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CERTIFICATE OF SERVICE

I, Russell A. Williams, do hereby certify that on this the 10th day of May, 2019, I electronically filed this "**Plaintiff's Motion for a New Trial Date and to Extend Discovery Deadlines**" through the ECF system and the complete disclosure documents were mailed via U. S. Mail to the following:

Wendy Greve, Esq.
Pullin, Fowler, Flanagan, Brown & Poe, PLLC
JamesMark Building
901 Quarrier Street
Charleston, West Virginia 25301
Counsel for Defendant Nathan Scott Stepp

/s/Russell A. Williams
Russell A. Williams, WWSB 12710